

Introduced by Senator Wright

February 18, 2010

An act to amend Section 41700 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 1224, as amended, Wright. Air discharges.

Existing law provides that, except as specified, a person is prohibited from discharging air contaminants or other materials that cause injury, detriment, nuisance, or annoyance to the public, or that endanger the comfort, repose, health, or safety of the public, or that cause injury or damage to business or property, as provided.

~~This bill would make technical, nonsubstantive changes to this provision~~ *require a complaint for the purpose of classifying an odor as a public nuisance to be filed with respect to the primary residence, business, or place of work of the person making the complaint. The bill would require a confirmed odor complaint received from multiple persons residing or working at the same residence, business, or place of work to be treated as one complaint by the entity with which the complaints are filed.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41700 of the Health and Safety Code is
2 amended to read:

1 41700. (a) Except as otherwise provided in Section 41705, a
2 person shall not discharge from any source whatsoever quantities
3 of air contaminants or other material that cause injury, detriment,
4 nuisance, or annoyance to any considerable number of persons or
5 to the public, or that endanger the comfort, repose, health, or safety
6 of any of those persons or the public, or that cause, or have a
7 natural tendency to cause, injury or damage to business or property.

8 (b) *A complaint filed pursuant to this section for the purpose*
9 *of classifying an odor as a public nuisance shall be filed with*
10 *respect to the primary residence, business, or place of work of the*
11 *person making the complaint. A confirmed odor complaint from*
12 *multiple persons residing or working at the same residence,*
13 *business, or place of work shall be treated as one complaint by*
14 *the entity with which the complaints are filed.*